

**COMMENTS FROM DHS: *DEPARTMENT OF HOMELAND SECURITY,
PROGRESS REPORT ON IMPLEMENTATION OF MISSION AND
MANAGEMENT FUNCTIONS***

In addition to disagreeing with the methodology used by GAO, the Department disagrees with many specific assessments made in the GAO Report. This Attachment focuses on the major areas of concern for the Department.

Border Security

The Department has made great strides toward achieving its goal of securing our Nation's borders. Unfortunately, some assessments do not accurately reflect the total progress made by the Department.

***Performance Expectation 4:** Implement a program to detect and identify illegal border crossings between ports of entry.* The assessment of "Generally Not Achieved" highlights the methodological flaw in using a binary standard to assess what the GAO Report acknowledges is "a multi-year program." The Department's Customs and Border Protection (DHS-CBP) is well on its way toward implementing the Secure Border Initiative (SBI), a comprehensive program to detect and identify illegal border crossings. The SBI is currently being carried out through *SBI_{net}* and other programs. The GAO Report states that "DHS has taken actions to implement the initiative"; but still rates this performance expectation as "Generally Not Achieved."

The mission of the SBI is to promote border security strategies that: (a) prevent terrorist attacks and other transnational crimes; (b) coordinate DHS efforts to ensure the legal entry and exit of people and goods moving across our borders; and (c) enforce U.S. laws at our borders. *SBI_{net}* is the component of the SBI charged with developing and installing technology and tactical infrastructure solutions to gain "effective control" of our Nation's borders in accordance with the mission of the SBI. Effective control is the consistent ability to detect illegal entries into the United States and to identify, classify, and respond to illegal entries efficiently and effectively.

GAO officials stated that the report provides an assessment of "Generally Not Achieved," because *SBI_{net}* has not been fully deployed. GAO officials, however, acknowledged in an exit conference that SBI is "on a trajectory" towards achieving this comprehensive program to detect and identify illegal border crossings. In addition, the report's criticism of the Department's progress in implementing *SBI_{net}* is surprising in light of the GAO's previous concern that the Department was implementing *SBI_{net}* too quickly. A February 2007 GAO Report (GAO-07-309) recommended that DHS-CBP reduce the extent to which different aspects of *SBI_{net}* were being implemented concurrently, thus lengthening the implementation process and delaying full implementation of the program.

The GAO Report also justifies its assessment of “Generally Not Achieved” by asserting that the progress that has been made on the implementation of SBInet is “unclear.” However, according to the definitions of the assessment standards repeated throughout the GAO Report, a rating of “No Assessment Made” is appropriate when “the information DHS provided did not enable [GAO] to clearly assess DHS’s progress in achieving the performance expectation.” Thus, it appears that GAO officials did not follow their own ratings system or were unable to do so because the standards were never sufficiently defined.

Furthermore, the GAO Report mentions, but does not adequately consider the Department’s implementation of other programs and initiatives which have yielded significant results related to preventing illegal border crossings and securing the border. For example, 6,000 National Guard members were deployed to the southwest border as part of Operation Jump Start and the President’s initiative to secure the border. In addition, Border Patrol agent staffing has increased by over 30 percent since 2001. Moreover, we have ended the practice of “catch and release” for other-than-Mexican apprehensions along the border. Results to date have been promising. DHS-CBP Border Patrol apprehensions for the first three quarters of Fiscal Year 2007 are down 24 percent compared to the previous year along the southwest border, indicating a significant decline in illegal cross-border activity between ports of entry. The Yuma, Arizona, and Del Rio, Texas, sectors experienced the greatest declines, with decreases of 68 percent and 51 percent, respectively. The number of other-than-Mexican alien apprehensions dropped 48 percent along the southern border. The decrease in other-than-Mexican apprehensions reduces the time agents spend transporting and processing, and increases the time spent patrolling the border.

DHS-CBP currently has effective control of 380 miles on the southwest border, plans to achieve effective control of 642 miles by the end of calendar year 2008, and anticipates having effective control over the entire southwest border by 2013. Nevertheless, the GAO Report assigns low grades to these efforts because DHS, while on target, does not yet have effective control over the more than 6,000 miles of U.S. land border.

The GAO Report also does not consider DHS-CBP efforts toward effective control over the northern border. Contrary to the GAO Report’s assertion that DHS-CBP will not begin work on the northern border until fiscal year 2009, DHS-CBP has tripled the number of agents assigned to the northern border since Fiscal Year 2001. DHS-CBP recently initiated a Nationwide Voluntary Relocation Opportunity, which has brought additional, experienced agents to the U.S./Canadian border. In addition, the Department has deployed technology to provide additional coverage along the northern border – including ground sensors, cameras, radar, and sophisticated software packages. DHS-CBP implemented Border Security Evaluation Teams (BSETs) in all eight northern border sectors to secure portions of the U.S./Canadian border that were previously too remote to have been monitored. Through a partnership with the Canadian government, the Integrated Border Enforcement Team (IBET) enhances border integrity and security by identifying, investigating, and

interdicting persons and organizations that pose a threat to national security, or are engaged in other organized criminal activity.

Performance Expectation 6: *Implement a strategy to detect and interdict illegal flows of cargo, drugs, and other items into the United States.* The Department strongly disagrees with the GAO Report's assessment of "Generally Not Achieved." The GAO Report makes this assessment while at the same time acknowledges that DHS has taken "actions to implement various programs to detect and interdict illegal flow of goods into the United States."

DHS-CBP has implemented a strategy, known as the Securing America's Borders at the Ports of Entry (SABPOE) Strategic Plan, for detecting and interdicting illegal cargo, drugs, and other items before entering the United States. The SABPOE Strategic Plan defines a comprehensive national strategy and specifically outlines the Department's efforts over the next five years to screen, detect, and interdict illegal cargo, contraband, weapons, agricultural products and other illicit substances. The Strategic Plan emphasizes eight core capabilities for each port of entry:

- Identifying people and goods approaching the ports;
- Assessing the associated risk-level;
- Inspecting all people and goods according to their assessed level of risk;
- Detecting potential threats and inadmissible people and goods;
- Enforcing the law and taking action against violators;
- Recording events at the ports of entry including crossings and findings;
- Analyzing outcomes to address emerging threats; and
- Deterring potential violators from crossing or shipping goods through the ports of entry.

DHS-CBP has developed a formal SABPOE Implementation Plan which consists of inter-related programs, key activities and implementation schedules. The SABPOE Implementation Plan establishes detailed steps and actions required to achieve the specific goals and objectives presented in the SABPOE Strategic Plan. In addition, DHS-CBP set up the SABPOE Implementation Division to provide oversight and coordination in the execution of the Strategic Plan. This Division entails senior executive participation and active steering committee oversight. The GAO Report acknowledges that SABPOE "will help CBP detect and interdict illegal flows of goods into the United States," but grades the Department's efforts as "Generally Not Achieved" because the Strategic Plan "is still in the early stages of implementation."

DHS-CBP also set and then successfully met several milestones related to this performance expectation in Fiscal Year 2006, as demonstrated by the following activities:

- DHS-CBP trained and deployed over 100 human detection/narcotic canine enforcement teams, which significantly increased the number of containers, vehicles, and people screened for illicit items;

- DHS-CBP expanded the Container Security Initiative to five new ports of entry which greatly added to DHS-CBP's ability to pre-screen containers (destined for the United States) at foreign ports;
- DHS-CBP hired more than 80 additional specialists in support of the Customs-Trade Partnership Against Terrorism (CTPAT), resulting in tighter control of the supply chain and reducing the risk of illegally smuggled contraband;
- DHS-CBP established a Fraudulent Document Analysis Unit to assist in the identification of false and fraudulent travel documents; and
- DHS-CBP expanded its Immigration Advisory Program (IAP) and achieved its statutory requirements of identifying the top 50 locations for deployment.

The GAO Report makes reference to these implementation efforts, but we believe does not properly credit DHS for meeting this performance expectation.

The Department has also been working with Federal, state and local partners to develop a strategy and implementation plan which maximizes the efficiency of the resources that are dedicated to stopping the entry of illegal drugs into the United States along the Southwest Border. For example:

- The Director of the Department's Office of Counternarcotics Enforcement (DHS-CNE) was designated by the International Drug Control Policy Coordinating Committee (IDC-PCC) to serve as a Co-Chair for developing an Implementation Plan for the National Southwest Border Counternarcotics Strategy (approved by the Deputies in March 2006).
- On August 18, 2006, DHS-CNE and the DOJ Office of the Deputy Attorney General (ODAG) jointly submitted the National Southwest Border Counternarcotics Strategy and Implementation Plan to the IDC-PCC. This classified 235-page document identifies the major goals, objectives, and resource requirements for closing gaps in U.S. and Mexico counternarcotics capabilities along the Southwest Border.
- CNE is currently working to update the Implementation Plan to ensure it reflects recent developments in U.S.–Mexico relations.

The GAO Report acknowledges these counternarcotics efforts, but does not assign what we consider to be a proper assessment on the Counternarcotics Strategy and Implementation Plan solely because it has “only recently been developed.”

Performance Expectation 8: Implement initiatives related to the security of certain documents used to enter the United States. The GAO Report's assessment of “Generally Not Achieved” for this performance expectation reflects a shifting criteria while at the same time not taking into account external factors beyond the Department's control.

A prior draft of the Report asserted that this performance expectation was “Generally Not Achieved” because DHS did not provide GAO with evidence that it had

addressed risks and challenges associated with the security of travel documents. DHS responded to GAO with information relating to the following programs and initiatives:

- The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program provides the capability to biometrically compare and authenticate travel documents issued by DHS and the Department of State to non-U.S. citizens. Required by the Enhanced Border Security and Visa Entry Reform Act, DHS utilizes the system to verify that U.S. travel documents are authentic and confirms non-U.S. citizen identities via real-time fingerprint and facial recognition technology.

Documents that can be verified in this manner include State Department issued non-immigrant visas, Border Crossing Cards (BCC) and immigrant visas as well as DHS issued Permanent Resident Cards (PRC), refugee travel documents, and re-entry permits.

- The US-VISIT fingerprint capability was implemented at air ports of entry in January 2004 and has expanded to all land border ports of entry.
- The use of digital verification and authentication of travel documents issued to aliens by DHS allows officers to compare documents presented at the time of issuance (including the photograph) to the physical appearance and documents presented at the time of travel. In this way, the officer can be assured of the authenticity of the document. As of October 2005, DHS-CBP had implemented this capability at all ports of entry for non-immigrant visas, immigrant visas, legal permanent resident cards, and refugee travel documents. Four additional examples of the use of digital verification and authentication of travel documents include:
 - e-Passports enable officers to evaluate the validity of the biographic information and photograph stored on the e-Passport chip. In November 2006, DHS implemented the e-Passport program for the visa waiver countries at 200 primary inspection lanes at 33 ports of entry.
 - The Consolidated Consular Database (CCD) provides additional information on U.S. visas and passports to help determine the documents' authenticity. As of February 2006, all U.S. ports of entry had access to CCD information, and for the single month of May 2007, the ports ran more than 250,000 queries in CCD, resulting in over 1,800 enforcement actions.
 - The Lost/Stolen Passports Program provides DHS-CBP officers with the capability to search passports presented by travelers against the watch list of lost/stolen passports. DHS-CBP has utilized this system for many years, and every primary and secondary query includes a check of lost/stolen passports.

- The Regional Movement Alert System (RMAS) enables DHS-CBP to confirm that certain foreign passports are not lost/stolen by comparing the passport information against records of the issuing country. Since RMAS was implemented in early 2006, there have been more than 1.8 million queries for travelers to the United States.

The GAO Report acknowledges these programs but cites new issues relating to plans for the deployment of document readers and the development of a strategic plan for the Immigration Advisory Program.

The GAO Report further criticizes the Department for not having extended the Western Hemisphere Travel Initiative (WHTI) to land and sea ports of entry. The report does not take into consideration that Congress has delayed more extensive implementation of WHTI. DHS had drafted a rule to implement the sea portion of WHTI at the same time as the air rule, but Congress required that sea implementation be delayed until the land rule could be issued and, at the same time, imposed additional requirements before the land rule could take effect. Despite these changes, the Department is still on track, and plans to implement this program at land and seaports well in advance of the statutory deadline.

Performance Expectation 12: Leverage technology, personnel, and information to secure the border. The Department disagrees with the GAO Report's assessment of "Generally Not Achieved." The Department, in fact, relies upon many programs to leverage technology, personnel, and information to secure the border.

For example, the US-VISIT program incorporates eligibility determinations made by both DHS and the Department of State into a continuum of security measures. In particular, US-VISIT manages systems that operate at 283 air, sea and land ports and 210 Consular Offices worldwide. These systems collect data and screen travelers against existing watch lists and databases containing information about previous DHS encounters with the traveler, verifying identities and travel documents. The Department also captures data on individuals attempting illegal entry into the United States between the ports of entry, as well as individuals who are being investigated or removed from the interior of the country. This information is then shared with the ports of entry, Consular Offices, Border Patrol Stations, Immigration and Customs Enforcement (DHS-ICE) Field Offices, U.S. Citizenship Immigration Services (DHS-USCIS), and the U.S. Coast Guard (DHS-USCG). This coordination expeditiously provides the Border Management community with information regarding an individual who has had previous contact with the Department.

US-VISIT also works closely with DHS-CBP on the development and deployment of new initiatives. Such collaboration allows the Department to take advantage of the synergy from the efforts of both entities and leverage existing resources.

Immigration Enforcement

The Department has significantly improved immigration enforcement in this country as recognized by the numerous “Generally Achieved” assessments made by GAO officials; however, the Department disagrees with the “Generally Not Achieved” assessments in several performance expectations related to immigration enforcement.

Performance Expectation 2: Implement a program to ensure timely identification and removal of aliens subject to removal from the U.S. The Department disagrees with the assessment of “Generally Not Achieved.” The methodology used to reach this assessment is flawed because it dismisses tangible results in favor of potential challenges and holds DHS accountable for factors outside the Department’s control.

DHS-ICE has made significant strides to ensure the timely identification of aliens subject to removal. As part of the Secure Border Initiative, the Department has ended the practice of “catch and release” along the borders. Since August 2006, all removable aliens caught at the border have been detained until the return to their home countries. DHS-ICE removed 192,171 illegal aliens, including 88,217 criminals, from the country in Fiscal Year 2006. This marks a 13 percent increase in total removals and a 4 percent increase in criminal removals over the prior Fiscal Year. DHS-ICE also increased its detention bed space by 7,500 during Fiscal Year 2006 and is funded for additional beds in coming years.

DHS-ICE has shortened the processing and detention times for removal of aliens through its Electronic Travel Document program. In addition, DHS-ICE has added resources for interviewing consular officials about removal actions, and for transporting aliens more quickly.

Yet, despite these results, the GAO Report asserts that the Department’s efforts “may not yet fully address” the “potential” risks of not being able to remove illegal aliens.

DHS-ICE also must contend with certain variables that impede the agency’s ability to remove an alien. Although ICE has made great strides in the international arena in such matters, expedited removal is halted or slowed due to certain foreign countries’ unwillingness to accept their returned nationals. For example, removal frequently may be delayed or refused by a foreign government, even when they are presented with conclusive identity information and passports. DHS-ICE officials have gone to considerable efforts to encourage non-cooperating countries to issue travel documents, but still often encounter unnecessary delays.

In other cases, the removal process may be delayed due to the lengthy duration of removal proceedings. Aliens may present their cases to an immigration judge, file an appeal, and seek further review in federal courts. In some jurisdictions, the removal of aliens is automatically stayed – or enjoined – by court order upon the alien’s request.

The GAO Report specifically recognizes these impediments to timely removal and admits that they “may be outside of DHS’s control.” The Report still assesses this performance expectation as “Generally Not Achieved.”

Performance Expectation 3: Ensure removal of criminal aliens. The assessment of “Generally Not Achieved” is unsupported by facts regarding this performance expectation.

For example, the GAO Report undervalues the progress made by the Department through the Criminal Alien Program (CAP), despite acknowledging that DHS-ICE maintains a presence of officers in approximately 2,000 federal, state, and local facilities. There is a CAP presence in each of the 114 federal Bureau of Prisons detention facilities. While 40 DHS-ICE operation teams presently screen foreign-born inmates, we continue to train and hire nearly 200 additional staff to support the CAP program and extend coverage to state and local jails and prisons. The expansion of CAP has shown tremendous results as CAP is on a course to double the number of criminal aliens placed in removal proceedings in 2007.

The GAO Report criticizes the Department for not having fully implemented the CAP in all of the more than 5,000 federal, state, and local facilities across the country. This unrealistic expectation reveals a marked lack of appreciation for the enormous resources that would be required to implement such an expansion. Even if DHS-ICE were appropriated the funds necessary to expand CAP to a single additional institution every single day, it would take *over eight years* to achieve this outcome. The GAO Report does not consider that this is an on-going, multi-year effort.

Performance Expectation 6: Implement a program to allow for the secure alternative detention of non-criminal aliens. The GAO Report states that no assessment has been made for this performance expectation, since GAO has not completed work in this area. However, information previously provided to GAO officials by DHS-ICE demonstrates that the Department has implemented programs for secure Alternatives To Detention (ATD) of non-criminal aliens.

The GAO Report drastically understates the level of meaningful participation in the ATD programs and the promising results already shown. For example, DHS-ICE has maintained an a Electronic Monitoring Program (EMP) whereby aliens awaiting immigration court hearings or removal wear either a monitoring ankle bracelet or report by telephone to a case manager. DHS-ICE maintains peak capacity at all times for the intensive supervision of the EMP at a rolling rate of 6,500 aliens. In addition, DHS-ICE recently initiated an effort to replace the EMP with an Enhanced Supervision/Reporting Program (ESR) and improved management of electronic monitoring devices.

Further, DHS-ICE maintains the Intensive Supervision Appearance Program (ISAP) which is a voluntary pilot program available to aliens not subject to mandatory detention, but awaiting immigration court proceedings or removal from the United

States. If participants agree to comply with the conditions of their release, case specialists are assigned to monitor participants using electronic monitoring (bracelets), home and work visits and reporting by telephone. The ISAP program is currently available in nine U.S. cities and enrolls approximately 1,700 participants on a rolling basis. DHS-ICE aims to expand the ISAP program by 129 percent, equating to 2,200 new ISAP participants. ISAP has shown great promise as an effective alternative to detention and has already achieved excellent results: the appearance rate for ISAP participants is 98 percent at immigration hearings and 94 percent at final removal hearings. In short, ICE has implemented a successful, growing ATD program for non-criminal aliens.

Performance Expectation 8: *Implement a prioritized worksite enforcement strategy to ensure that only authorized workers are employed.* The assessment of “Generally Not Achieved” highlights the flaw in the binary assessment system used by GAO.

As the GAO Report acknowledges, DHS-ICE provided considerable new information on its significant worksite enforcement efforts. GAO appears, however, to have largely not considered these achievements, asserting instead that the information did not demonstrate how these efforts have resulted in “desired outcomes.” This conclusion does not comport with the evidence provided, which, as described below, reveals that DHS-ICE’s efforts have resulted in impressive outcomes, including the increased use of employment verification systems and significant increases in investigations and arrests.

As DHS-ICE has previously explained to GAO officials, its worksite enforcement strategy is a comprehensive three-pronged approach aimed at: (a) critical infrastructure protection; (b) criminal investigations of egregious employer violators; and (c) enhanced employer compliance and outreach through IMAGE. IMAGE is a corporate outreach program designed to give employers tools and best practices to ensure that they have an authorized workforce. In January 2007, eight companies and one trade association became charter IMAGE members and made a formal pledge to the program. DHS-ICE has conducted more than 50 IMAGE outreach presentations to companies and to industry associations that represent or influence thousands of U.S. employers. The IMAGE presentations provide employers instructions on their responsibilities for employment verification and also provide them with the tools and best practices needed to establish and maintain an authorized workforce.

Moreover, it is important to note the significant results already achieved through DHS-ICE worksite enforcement programs. In Fiscal Year 2006, more than 4,300 arrests and apprehensions were made from worksite enforcement cases; this figure represents more than seven times the arrests and apprehensions in Fiscal Year 2002 (the last full year of operations of the U.S. Immigration and Naturalization Service). DHS-ICE has also completed nearly 6,000 compliance enforcement investigations resulting in administrative arrests of more than 1,700 overstay and status violators, a 75 percent increase over the number of administrative arrests in Fiscal Year 2005.

Performance Expectation 10: *Implement a comprehensive strategy to interdict and prevent trafficking and smuggling of aliens into the U.S.* The assessment of “Generally Not Achieved” is not supported by the facts provided to GAO officials regarding this performance expectation.

The Department’s strategy for counteracting the trafficking and smuggling of aliens is just one part of the larger SBI and SABPOE Strategic Plan. In addition to the implementation of these plans by DHS-CBP already discussed above, DHS-ICE has also made significant progress in meeting this performance expectation in coordination with other departmental components and federal agencies. For example, Border Enforcement and Security Task Forces (BEST) have been created to target cross-border criminal activity, including human trafficking. These task forces are nationally-integrated teams comprised of resources drawn from DHS-ICE, DHS-CBP, the Drug Enforcement Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Marshals Service, as well as state, and local representation. Since their inception, BESTs have made 430 criminal arrests and 827 administrative arrests; seized 66,265 pounds of marijuana, 1,462 pounds of cocaine, \$8,318,324 in U.S. currency, and 155 vehicles.

Furthermore, since 2006, DHS-ICE has maintained an active and aggressive domestic and overseas human trafficking program called the ICE Trafficking in Persons Strategy (ICE TIPS). ICE TIPS targets criminal organizations and individuals engaged in human trafficking worldwide. ICE TIPS focuses on partnerships and collaboration with other DHS agencies, foreign governments, Non-Governmental Organizations (NGOs), the Department of Justice (DOJ) Civil Rights Division and U.S. federal, state and local law enforcement.

Although the draft GAO Report was also critical of the coordination between DHS-ICE and DHS-CBP, there are in fact mechanisms in place for the two components to share information related to the trafficking or smuggling of aliens. For example, the Department has established a Liaison Section at the DHS-CBP National Targeting Center (NTC) to facilitate such coordination. A number of Memoranda of Understanding between DHS-ICE and DHS-CBP have also formalized the coordination of information between the components. For example, on November 16, 2004, the ICE Office of Investigations (OI) and CBP’s Office of Border Patrol (CBP/BP) entered into a Memorandum of Understanding (MOU) that guides CBP Chief Border Patrol Agents and ICE’s Special Agents in Charge in developing operational partnerships between the Border Patrol and OI agents at the local level. On February 2, 2007, CBP/BP and ICE/OI signed the addendum to the November 16, 2004 MOU, which clarified the roles and responsibilities of each agency and discussed items such as data sharing and co-location of Intelligence units, and encouraged joint enforcement operations. In addition, on December 8, 2005, ICE/OI and CBP Office of Field Operations (CBP/OFO) signed a joint memorandum which established ICE/OI as the investigative arm for CBP/OFO and the primary contact for investigative matters.

Immigration Services

The GAO Report correctly acknowledges that the Department has achieved several key performance expectations in the area of immigration services. Other assessments in the GAO Report, however, are not consistent with the results recognized both inside and outside of the Department.

Performance Expectations 1 and 5: *Eliminate the benefit application backlog and reduce application completion times to 6 months and Develop new programs to prevent future backlogs from developing.* The Department disagrees with the GAO Report's assessments of "Generally Not Achieved."

DHS-USCIS is well on its way to eliminating the application backlog. The benefit application backlog as of last September was less than 10,000 applications. Even the GAO Report acknowledges that USCIS "has made significant progress." Moreover, the Senate Committee on Appropriations recently reported that "USCIS has made substantial progress over the last several years to successfully address the backlog of applications and petitions within its control."

While the GAO Report acknowledges that the Department's method used in prioritizing the applications backlog may be considered "reasonable," it still downgrades DHS-USCIS for not including cases where information from the applicant or another agency is pending. The Report does not appropriately recognize external factors – including delays by other agencies and the limitation on available visas – beyond the Department's control is a deficiency in the methodology. It is also inconsistent with other assessments made in the report that explicitly limit the scope of performance expectations to "DHS's roles and responsibilities."

The GAO Report also criticizes the Department for insufficient actions to prevent future backlogs. The GAO Report does not give proper credit to the Department's significant transformation efforts to increase resources, improve customer service, and modernize business practices relating to benefits applications. In January 2007, the Department issued a Notice of Proposed Rulemaking to adjust the Immigration and Naturalization Benefit Application and Petition Schedule. As was explained to GAO officials during an exit conference, this rule will adjust fees collected for benefit applications, which will provide a stable source of revenue to support a significant reduction in processing times.

Performance Expectation 3: *Establish a timetable for reviewing the program rules, business processes, and procedures for immigration benefit applications.* The GAO Report assessment of "Generally Not Achieved" is not supported by the facts or documents previously provided to GAO officials.

Through an extensive program to transform its processes, DHS-USCIS grouped the existing transactions into four major types of transactions handled: (i) citizenship; (ii) immigrant; (iii) humanitarian; and (iv) non-immigrant. Subsequently, DHS-USCIS developed a timetable to implement improved processes for each of these four types

of transactions. These timetables are contained in the DHS-USCIS Transformation Program Office FY 2007 Expenditure Plan, and articulate the timeframes for implementation of the improved processes and increased business capabilities. DHS-USCIS previously provided a copy of this Expenditure Plan and the accompanying timetables to GAO yet, GAO has not considered this.

Performance Expectations 12 and 14: *Establish training programs to reduce fraud in the benefits process and Implement a fraud assessment program to reduce benefit fraud.* The GAO Report states that DHS-USCIS has made progress in establishing training programs to reduce fraud in the benefits process, yet concludes that the Department has “Generally Not Achieved” this performance expectation. This assessment does not comport with the evidence provided to GAO officials and cited in the GAO Report.

Contrary to the statement in the GAO Report, DHS-USCIS has developed a uniform training course for all officers. This success was evidenced by the complete list of topics and rosters for its training programs that DHS-USCIS provided to GAO officials.

In addition, DHS-USCIS explained to GAO officials that it has identified certain fraud schemes that are unique to specific application processes and/or prevalent in geographical areas. The Department consequently has provided specialized training to certain officers who handle these particular types of matters or who are stationed in certain locations above and beyond the uniform training provided to all officers. A prior draft of the GAO Report appears to have misunderstood data relating to these specialized and targeted programs as evidence of inconsistent training across offices. The current GAO Report seems to have rectified this misunderstanding, citing specific DHS-USCIS examples of a clear nexus between locations where fraud is centralized and specialized anti-fraud training. However, instead of recognizing the achievements of these programs, the GAO Report now appears to base its assessment of “Generally Not Achieved” on the “appropriate[ness]” of the training. This appears to be an inconsistency of methodology.

With respect to DHS-USCIS’s fraud assessment efforts, a prior draft of the GAO Report based its assessment on the fact that the Department had not provided evidence of recently completed Benefit Fraud Assessments (BFAs). BFAs are assessments conducted on randomly-selected cases involving a particular benefit claim in order to identify the extent and nature of fraud for specific immigration benefits. Most BFAs also include field inquiries to identify fraud that cannot be discerned from systems checks, interviews, or by reviewing files. DHS-USCIS subsequently informed GAO officials that, in addition to the three BFAs conducted to date, four more BFAs are scheduled to be completed before the end of this fiscal year, and two more BFAs are to conclude in the next fiscal year. The current GAO Report acknowledges this updated and responsive information to the prior criticism. Nevertheless, the Report now states that DHS-USCIS has not developed and demonstrated the success of a strategy for conducting BFAs. In fact, the BFAs

conducted to date have provided useful baseline data to assist DHS-USCIS in developing a comprehensive strategy, and they have already resulted in procedural and regulatory changes to minimize certain types of fraud.

Aviation Security

The Department has made significant progress in many facets of aviation security, including the 17 performance areas in which the GAO Report gave DHS an assessment of “Generally Achieved.” GAO thus recognized, for example, the Department’s efforts to develop a strategic approach for aviation security functions, processes and procedures for screening passengers, and plans for baggage and air cargo screening. The GAO Report is nevertheless incorrect in its assessment that DHS has “Generally Not Achieved” key elements in several additional performance areas, including the following.

***Performance Expectations 2 and 3:** Establish standards and procedures for effective airport perimeter security and Establish standards and procedures to effectively control access to airport secured areas.* The Department takes strong exception to the GAO Report’s assessments of “Generally Not Achieved” for these performance expectations. These assessments do not give the Department credit for the substantial progress made in this area by the Department’s Transportation Security Administration (DHS-TSA).

Contrary to GAO’s assertion, DHS-TSA has provided documentation outlining DHS-TSA’s full compliance with requirements of the Aviation and Transportation Security Act (ATSA), specifically as they relate to strengthening the airport perimeters and access controls. Per ATSA requirements, TSA has developed the “Aviation Inspection Plan,” which is based on an analytical risk-assessment process evaluating threats, vulnerabilities, and potential consequences, and is reviewed and updated every year.

Airports and airlines play key roles in the areas of perimeter and access security, and share in the overall responsibility. In stating that the Department has not provided evidence that its actions have provided for effective airport perimeter security and access controls, the GAO Report does not properly consider the significance of the steps taken by the Department in conjunction with airports and airlines including:

- Inspections of vehicles at access gates;
- Screening of airport and airline employees attempting to gain access to secure areas (pursuant to the Aviation Direct Access Screening Program);
- Security threat assessments before persons are issued airport credentials or identification;
- Ongoing assessments and monitoring of new technologies;
- A comprehensive review of all airside security provisions; and
- Development of near-term and long-term plans that include enhanced vetting and credentialing procedures, tighter controls over critical infrastructures, and

the incorporation of biometric data into identification systems and access controls.

These processes and programs demonstrate that the Department has established strong standards for effective airport perimeter and secured-area security and have improved security in these areas. In addition, DHS-TSA also furnished GAO officials with a detailed action plan addressing all GAO recommendations from its 2004 audit, which does not appear to have been given significant weight in the GAO Report.

Although GAO indicates that it would like to see evidence of the impact of this improved security, it is difficult to precisely measure the deterrent effect that the Department's measures have had.

DHS-TSA has nevertheless determined that a random, flexible, risk-based approach provides more effective security than creating stationary security posts. Experience shows that stationary, predictable security measures can be the easiest to foil. DHS-TSA therefore has implemented the Aviation Direct Access Screening Program (ADASP), which includes elements of random screening of airport and airline employees, property, and vehicles as they enter secure or sterile areas other than through the established DHS-TSA checkpoints. During those random screenings, Transportation Security Officers (TSO) screen for the presence of explosives, incendiaries, weapons, and other contraband, as well as improper airport identification documents.

Performance Expectation 14: *Develop and implement an advanced prescreening system to allow DHS to compare domestic passenger information to the Selectee List and No Fly List.* The assessment of "Generally Not Achieved" does not recognize the Department's progress in achieving program milestones in this multi-year effort.

In particular, GAO largely dismisses the extensive materials previously provided to GAO by DHS-TSA, including a total of 57 documents detailing the Secure Flight program's mission needs; concept of operations, management plans; system requirements, acquisition plans; testing/evaluation plans, privacy assessments, and the related schedules; as well as more than a dozen briefings for GAO officials. Instead, it appears GAO bases its assessment on the fact that the Secure Flight program development efforts and implementation have not been fully completed at present.

Performance Expectation 15: *Develop and implement an international passenger prescreening process to compare passenger information to terrorist watch lists before aircraft departure.* The GAO Report makes an assessment of "Generally Not Achieved" because full implementation of an integrated Secure Flight system will not occur for several years. By doing so, GAO unfairly and prematurely assesses the Department's progress on a long-term goal.

The Department has previously informed GAO officials that the Secure Flight Notice of Proposed Rule Making and the Pre-Departure APIS Final Rule are scheduled to be published in the coming months, and GAO officials have been briefed on the content of the Secure Flight proposed rulemaking. With these two rulemakings, the Department is on track to implement pre-departure international passenger screening.

The GAO Report recognizes that efforts to define functional requirements and operations are underway in order to align the international and domestic passenger prescreening programs. Departmental officials have briefed GAO officials on the plans for alignment and furnished them with a copy of the Secure Flight Concept of Operations and the Consolidated Users Guide. In addition, the upcoming Secure Flight Notice of Proposed Rule Making and Pre-Departure APIS Final Rule will outline the alignment plan in greater detail. Despite having been provided with this detailed update on this long-term program (as well as the Department's short-term solution), it does not appear this information was considered in the assessment.

Performance Expectation 18: Deploy checkpoint technologies to address vulnerabilities. The Department disagrees with the assessment of "Generally Not Achieved." This assessment does not recognize the Department's progress in this Performance Expectation, and does not consider the practical limitations inherent in developing and deploying new technological solutions.

Contrary to the statement in the GAO Report, the Department is constantly deploying existing technologies and developing new technologies to reduce checkpoint vulnerabilities. In particular, DHS-TSA continues to apply the latest improvements to existing technologies – such as checkpoint x-ray systems, walk-through metal detectors, and next-generation explosive trace detection systems. With regard to developing technologies, DHS-TSA is working closely with the DHS Science and Technology Directorate (DHS-S&T) on research and development activities to rapidly and responsibly respond to threats and to achieve advancements in screening technologies.

In Fiscal Year 2007, DHS-TSA and S&T explored technologies, such as bottled liquids scanners, whole body imagers, cast and prosthetics scanners, automated explosives detection devices, and advanced technology screening systems for carry-on items. The development of new technologies, however, takes time to test in the laboratory and in the field. Such testing must be conducted to determine operational effectiveness and suitability before new technologies can be deployed at operating checkpoints. The safety of the Nation and its citizens is too important to rush the deployment of untested technologies. Adequate testing before deployment also is needed to exercise proper stewardship of federal resources.

Furthermore, the GAO Report does not consider other efforts, in addition to checkpoint technologies, that have effectively reduced vulnerabilities. For example, DHS-TSA has instituted updated procedures to detect explosives and has provided enhanced training for Transportation Security Officers (TSO). Better educated and

trained TSOs are better equipped to recognize and deal with potentially threatening contraband. Deployment of TSOs specifically trained in behavioral recognition and bomb appraisal, as well as specially-trained canines, also enhances the safety of the current checkpoint screening procedures.

Surface Transportation Security

Although recognizing that the Department “Generally Achieved” three of the five performance expectations related to securing modes of surface transportation, the GAO Report does not recognize the progress that has been made by the Department in the remaining areas.

Performance Expectation 3: Issue standards for securing surface transportation modes. The GAO Report assessment of “Generally Not Achieved” is inaccurate and does not reflect the Department’s significant progress. While recognizing the Department’s issuance of standards related to mass transit and passenger and freight rail, the Report does not take into consideration standards issued by the Department in other modes of transportation, such as highways and pipelines.

With respect to highways, DHS-TSA has developed draft Security Action Items (SAIs). Copies of the draft SAIs were provided to GAO officials in connection with a prior GAO audit on “Commercial Vehicle Security.” These SAIs contained standards addressing personnel security, access control and *en route* security related to the highway modality.

With respect to pipelines, DHS-TSA issued “Pipeline Security Smart Practices” to pipeline industries in an effort to assist them in their security planning and implementation. These Smart Practices are drawn from the data collected from the numerous on-site security reviews of pipeline operators, personnel, and security measures conducted since the Fall of 2003. The Smart Practices contain voluntary standards that address badging and access control, physical security, vehicle checkpoint and intrusion detection, and security incident management planning. In addition, the Department of Transportation (DOT) issued the *Pipeline Security Information Circular* and the *Pipeline Security Contingency Planning Guidance* in 2002. DHS-TSA supports these standards, as they were used as the basis for its CSRs.

Performance Expectation 4: Conduct compliance inspections for surface transportation systems. The Department disagrees with the assessment of “Generally Not Achieved.” Although the GAO Report recognizes that the Department has conducted compliance inspections with regard to the mass transit, passenger rail, and freight rail modes, its assessment does not appear to give DHS credit for these compliance inspections or the progress that has been made in other areas.

In particular, the GAO Report notes that DHS-TSA provided supplemental information regarding Surface Transportation Security Inspectors’ (STSI) on-site

assessments of the freight railroad industry and the Department's implementation of security measures for Toxic Inhalation Hazard (TIH) shipments. GAO's Report does not appear to consider the impact of these assessments, however. Since the STSIs began auditing freight railroad carriers for the Security Action Items beginning in October 2006, they have audited more than 320 facilities. In June 2007, STSIs also began auditing freight carriers for adherence with Supplemental Security Action Items. These audits will assist in achieving the goal of reducing risk from TIH rail shipments by 50 percent by the end of next year.

GAO does not give the Department credit for the Baseline Assessment and Security Enhancement (BASE) reviews that have been completed on 38 transportation systems. In addition, there are 6 more reviews currently in progress. The BASE program is designed to collect detailed information regarding the security posture of a transit system in order to assess the implementation of recommended security measures. During a BASE review, STSIs assess the security posture of a transit system based upon 17 Security and Emergency Preparedness Action Items. The goal is to complete BASE assessments on the top 50 transit agencies by the end of 2007.

Maritime Security

The Department is proud of the tremendous progress we have made in the area of Maritime Security, as demonstrated by the 17 ratings of "Generally Achieved." The Department disagrees, however, with the assessment in the area of developing a long range vessel-tracking system.

Performance Expectation 16: *Develop a long-range vessel-tracking system to improve maritime domain awareness.* Although the GAO Report acknowledges the significant progress that has been made by the DHS-USCG to develop a long-range vessel-tracking system, it nevertheless gives the Department an assessment of "Generally Not Achieved." The assessment is another example of the report's propensity to rate the ongoing development and implementation of multi-year programs on the basis of whether total implementation has been achieved today.

As recognized by GAO, the Nationwide Automatic Identification System (NAIS) is presently providing vessel-tracking information for vessels in U.S. waters. By the end of 2007, DHS-USCG will receive identification and tracking information for vessels in U.S. waters in the vicinity of 55 critical ports and 9 coastal areas. When fully implemented, the NAIS project will provide tracking capabilities for all U.S. waters and up to 2,000 miles offshore. DHS-USCG anticipates initial long-range tracking capability later this year.

In addition, DHS-USCG is working to establish a Long Range Identification and Tracking (LRIT) system to provide a global tracking capability. LRIT is an International Maritime Organization regulation requiring vessels on international voyages, passenger and cargo ships of 300 gross tons and above, to carry working LRIT transponders. This LRIT system will give the United States a system that is

compatible and interoperable with the global maritime community. LRIT will provide for global information on all U.S. flagged vessels required to carry transponders, and information on all U.S.-bound vessels regardless of flag state within 1000 miles.

Furthermore, there are other vessel-tracking programs that currently fulfill the requirement for a long-range vessel tracking system; however, these systems cannot be detailed here due to their sensitive nature. In conjunction with the sources described above, long-range vessel tracking is currently being achieved to obtain MDA. It appears GAO does not consider this information and the significant progress that has been made with respect to the NAIS and LRIT systems.

Emergency Preparedness and Response

The Department is proud of the progress that has been made in the area of emergency preparedness and response in light of the many challenges recognized by GAO that have arisen in this area, including the recent reorganization required by the Congress following Hurricane Katrina. As GAO also recognized, the Department has made progress in the areas of developing a national incident management system and with respect to federal grants to first-responders and state and local governments. The Department, disagrees with several other assessments made by GAO.

Performance Expectation 4: *Ensure the capacity and readiness of disaster response teams.* The Department disagrees with the assessment of “Generally Not Achieved,” which does not give sufficient consideration to the disaster response team capacity and readiness improvements already implemented by the Department.

DHS currently manages multiple disaster response operations centers, teams, and assets through the Federal Emergency Management Agency (DHS-FEMA). The Department has a tiered disaster response framework, with several disaster response teams ready to provide varying levels of response depending on the circumstances and related requirements. The capacity and readiness of these teams are constantly being refined and improved based on lessons learned and ongoing assessments.

- The Federal Incident Response Support Teams (FIRSTs) were formed in 2003 to provide preliminary on-scene federal management and important situational awareness for the Department. The mission of FIRSTs is to support the state and local response by expediting the delivery of life-saving federal assistance. FIRSTs also provide initial situation assessments for local, state, and federal officials, determine federal support requirements, and integrate federal assets into the state and local response. FIRSTs’ on-site capabilities include several command vehicle and communications capabilities through the internet, satellites, computers, mobile radios and GPS units. FIRSTs are self-sufficient for up to five days. Based on recent refinements to their readiness standards, FIRSTs can now deploy within two hours of notice and arrive on scene in 12 hours or less.

- Advanced elements of Emergency Response Teams (ERT-As) are regional disaster response teams that can be deployed in the event of a disaster. Because FIRSTs are essentially forward extensions of the larger ERT-As, an ERT-A will continue to provide the federal response capabilities described above once it arrives on scene. Under current readiness standards, ERT-As can be deployed within six hours of notice of an event and arrive within 12 hours.
- The National Emergency Response Teams (ERT-Ns) are national disaster response teams. They provide similar response capacities to the ERT-As. ERT-Ns can be activated and deploy within 12 hours of notice and arrive on-scene within 24 hours.
- Mobile Emergency Response Support (MERS) detachments are specialized response teams. They are designed to provide mobile telecommunications, life support, logistics, operational support and power generation. Under current readiness standards, MERS detachments can deploy within four hours of notification of an event.

The Department's responses to recent storms and tornados have demonstrated the capacity and readiness of these teams. In response to Tropical Storm Ernesto, for example, the FIRST arrived approximately seven hours after being deployed. In response to the recent tornados in Florida and Alabama, FIRSTs arrived the same day that the storms struck. The ERT-A showed a similar rapid response following the recent Greensburg, Kansas tornado, when it arrived within seven hours of being deployed. The MERS deployment arrived on scene a few hours later. These real-life examples contradict the assertion in the GAO Report that the Department can offer no evidence that the current levels of readiness and capabilities have improved since Hurricanes Katrina and Rita. Fortunately, there has been no opportunity to deploy DHS disaster response teams in response to an event of the magnitude of Katrina or Rita. That fortuity does not diminish, however, the Department's recent successes.

DHS is also currently developing the next generation of rapidly deployable response teams – Incident Management Assistance Teams (IMATs). The IMATs will have the ability to establish an effective federal presence on-scene within 12 hours of notification to support the state, coordinate federal activities, and provide initial situational awareness. These teams will be self-sufficient for a minimum of 48 hours so as not to drain potentially scarce local resources. These IMATs are being designed to incorporate the best practices, design factors, and performance metrics from the existing teams along with next-generation technologies. Standardized doctrine, policies, response metrics, and operating procedures are being developed to support these new teams, ensuring that DHS response team assets will be further strengthened to meet the incident needs of the future.

Performance Expectation 7 and 8: *Establish a single, all hazards national response plan; and Coordinate implementation of a single, all hazards response plan.* The Department strongly disagrees with the assessments of “Generally Not Achieved” for

these performance expectations because they do not properly recognize the current National Response Plan (NRP) that was implemented in 2004.

Contrary to the assessment made, GAO acknowledges that “DHS has established a single all-hazards national response plan.” The current all-hazards NRP includes appropriate annexes as well as a Catastrophic Incident Supplement. The review and revision of the NRP currently underway does not change the fact that a single, all-hazards NRP remains in place and is being used daily to respond to a multitude of incidents across the Nation. The GAO Report does not appear to consider the reality that the NRP is a living document that will be regularly reviewed and revised as long as it is in existence: when the current revision effort is completed the process of identifying potential improvements for the next revision will already be underway. There can never be an all-hazards national response plan that will be set in stone.

Similarly, the GAO Report’s concern that the Department’s ongoing efforts to review and revise the NRP will negatively impact the ability to fully train, exercise and develop new implementation plans for the NRP is flawed. The existing NRP will be implemented in response to incidents that occur before the issuance of a revised plan, and there will be a thoughtful transition process executed in conjunction with the issuance of any revised plan.

GAO also does not give the Department credit for the progress that has been made in coordinating implementation of the existing NRP. There has been extensive coordination of the NRP implementation through training, exercises, and planning efforts with our Federal, state and local partners. The Department has also engaged in special hurricane preparedness initiatives in the major hurricane-prone areas of the Nation. As a result of the successful creation and coordination of the NRP, more than 6 million Federal, state, local, private sector and non-governmental organization employees have been trained on Incident Command System and National Incident Management System concepts that form the basis for effective response efforts. Over six million people across the private and public sectors within the United States have taken such courses and now are able to understand and implement the Department’s National Response Plan. In addition, the coordinated responses to 97 major disaster declarations since Katrina have allowed for greater coordination in the implementation of the NRP. These efforts all indicate the progress that has been made by the Department since Katrina.

Performance Expectation 13: *Develop the capacity to provide needed emergency assistance and services in a timely manner.* DHS strongly disagrees with GAO’s assessment. Critical services, such as improved logistics tracking and capacity, increased disaster victim registration, and robust fraud, waste and abuse protections are in place and fully functional. For example, the Total Asset Visibility (TAV) initiative has resulted in improved logistics tracking, while interagency agreements with the Defense Logistics Agency, pre-scripted mission assignments, and a strengthened stand-alone Logistics Directorate have resulted in greater logistical capacity.

Contrary to GAO's statement, the Department has established and tested initiatives in this area. The TAV system has been tested in numerous recent disaster response situations including the response to severe winter storms. For instance, in January 2007 during the severe winter storms in Oklahoma, the TAV system accurately and seamlessly tracked over 70 truckloads of supplies through changes in location. During powerful tornadoes in Florida, Alabama, Georgia, and Kansas, the TAV system tracked both truckloads of supplies and Mobile Disaster Response Centers, providing FEMA leadership with the accurate and current location of assets, as well as the projected time of arrival. This system enabled effective logistics and planning decisions for efficient use of resources when they arrived in the disaster area.

FEMA has also engaged in outreach to other Federal agencies to ensure the smooth and responsive coordination of Federal support when it is needed. The most visible demonstration of this coordination is the array of Federal capabilities contained in the "playbook" of pre-scripted mission assignments. This playbook represents an examination of the range of Federal capabilities and support and includes advance inter-agency coordination to ensure the timely delivery of such capabilities in times of need. At present, we have developed and coordinated 187 pre-scripted mission assignments with as many as 21 Federal agencies. Up to an additional 40 mission assignments are currently under review. This support ranges from heavy-lift helicopters from DOD, to generators from the U.S. Army Corps of Engineers, to Disaster Medical Assistance Teams from HHS and Emergency Road Clearing Teams from the U.S. Forest Service. These pre-scripted mission assignments will result in more rapid and responsive delivery of Federal support to States. FEMA also has established contracts with private-sector suppliers to provide additional needed support in a major disaster.

FEMA has worked closely with our state and local partners in an "engaged partnership" to identify and address their needs, recognizing that disaster response is not a "one-size fits all" proposition. For example, FEMA has been working closely with highest risk hurricane states on a gap analysis initiative that helps them identify and address their strengths and weaknesses. This allows the identification of areas where the specific states are likely to need Federal support and the development of plans to address those needs. FEMA is supporting major planning efforts in the Gulf Coast states to address evacuation needs should another major disaster strike that area. There are also catastrophic planning efforts underway in other areas to identify the challenges that would result from major disasters in other areas of the nation including those susceptible to flooding and earthquakes. All of these efforts help develop the capacity at the Federal, state and local levels to provide needed emergency assistance and services in a timely manner.

FEMA has also significantly strengthened its internal capacity to respond effectively. A focused effort to fill agency vacancies has resulted in FEMA reaching the point where 95 percent of its full-time employee slots are filled, including a major restructuring of key leadership positions such as the ten regional administrators who

are all in place and highly qualified for their positions with decades of experience in emergency management.

The majority of information DHS provided to GAO on this performance expectation is designed specifically to address catastrophic situations which are nearly impossible and very costly to simulate. The GAO Report acknowledges that it is therefore “difficult to assess” DHS-FEMA’s initiatives regarding this performance expectation yet rates the performance expectation as “Generally Not Achieved.”

Performance Expectation 14: *Provide timely assistance and services to individuals and communities in response to emergency events.* DHS strongly disagrees with GAO’s assessment.

DHS continues to develop and expand capabilities to provide timely assistance and services to individuals and communities in response to emergency events. A number of initiatives and agreements have been undertaken to improve shelter management, including FEMA/Red Cross agreements to initiate the National Shelter System -- a web-based data system designed to provide information concerning shelter populations and available capacity, support targeted registration assistance, and enable improved targeting of resources where needed. Deployable Mobile Registration Intake Centers have been developed to support timely registration at congregate shelters and other locations with concentrations of disaster victims. The ability of these Intake Centers to respond in a timely manner has been successfully tested both through exercises and in response to real events. The capacity to register disaster victims has been doubled to more than 200,000 registrations a day, and FEMA has entered into an MOU with the IRS to provide surge call center support until a contract with a private sector vendor is signed this fall. Several MOUs have been developed to share information that could assist in the location of missing children and support family reunification during a disaster.

FEMA has undertaken a number of improvements for the provision of temporary housing to streamline the determination of applicant eligibility and speed the provision of assistance. The agency has also developed new policies to ensure all types of temporary housing options are available to displaced applicants with disabilities. FEMA coordinated with the U.S. Access board to develop new specifications for temporary housing and group sites construction to accommodate applicants with physical disabilities.

To combat fraud, waste and abuse, automated checks are in place to detect duplicate registrations, identify applicant addresses that are not residential, and verify social security numbers, addresses and occupancy requirements. Automated systems also now ensure that no payments are made until flagged applications are reviewed. FEMA has also expanded its home inspection capacity to 20,000 homes per day and has added third party evaluation of inspections to improve the speed and accuracy of determinations of the level of assistance to be provided to the victim.

The GAO Report criticizes DHS for not providing tangible evidence of its successes in this area. However, through the Public Assistance program, post-Katrina, DHS has obligated 80 percent of estimated assistance within an average of 150 days after declaration compared to 203 days prior to Katrina. This performance is ahead of our goal which is to obligate 80 percent of funding within 180 days. For the important debris removal mission, FEMA has issued updated policies, guidance and training to support more equitable and timely assistance, and established a nationwide list of debris removal contractors for use by state and local communities as they plan for, and respond to, debris removal requirements. The GAO Report does not recognize these achievements.

Furthermore, DHS has successfully responded to 107 major disasters, 15 emergencies and 130 fires since Hurricane Katrina. These were not catastrophic disasters, but they demonstrated that the Department can successfully provide timely assistance and services to individuals and communities.

Performance Expectations 15 and 20: *Implement a program to improve interoperable communications among federal, state, and local agencies; and Provide guidance and technical assistance to first responders in developing and implementing interoperable communications capabilities.* The assessments of “Generally Not Achieved” in these areas do not fully credit the Department for the progress that has been made by the Department’s Office of Emergency Communications (DHS-OEC) and Office for Interoperability and Compatibility (DHS-OIC) within the National Protection and Programs Directorate (DHS-NPPD), particularly with regard to improving federal agencies’ interoperable communication capabilities.

The Department oversees several programs aimed at developing programs, guidance, and technical assistance related to interoperable communications:

- SAFECOM is a communications program within the DHS-OIC that works to improve emergency response through more effective and efficient interoperable wireless communications. SAFECOM provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, state, and federal emergency response agencies. SAFECOM also participates in the Federal Partnership for Interoperable Communications, a partnership of 44 Federal entities and more than 200 participants focused on wireless communications interoperability.
- The Interoperable Communications Technical Assistance Program (ICTAP) is administered by DHS-OEC. The purpose of ICTAP is to enhance interoperable communications between federal, state, and local emergency responders and public safety officials. ICTAP works with states as well as the Urban Area Working Groups (UAWG) to assess the current communications infrastructure and determine technical requirements needed to design an interoperable communications system.
- The Integrated Wireless Network (IWN) is also administered by DHS-OEC. IWN is a collaborative effort by the Departments of Justice, Homeland

Security, and the Treasury to provide a consolidated Federal wireless communications service. The IWN supports law enforcement, first responder, and homeland security requirements with integrated communications services in a wireless environment. The IWN will implement solutions to provide Federal agency interoperability with state, local, and tribal public safety and homeland security entities.

The GAO Report suggests that the Department's programs have focused on improving interoperability with regard to state and local entities to the exclusion of improving interoperability with other federal agencies. The IWN effort is aimed particularly at improving federal interoperability.

DHS-OEC is also establishing uniform policies, approaches, guidelines, and methodologies for integrating these programs and their activities, as well as metrics to demonstrate their success in improving interoperable communications. Many of the specific assessments in the GAO Report do not consider the practical realities associated with developing a communications system that will accommodate more than 50,000 emergency response agencies and where nearly 90 percent of the communications infrastructure is owned at the local level.

For example, DHS-OEC completed the National Interoperability Baseline Survey last December. This survey of 22,400 randomly selected emergency responders represents the first large-scale, statistically-significant study to measure interoperable capabilities across the nation. Among the many key findings of the study, approximately two-thirds of emergency responders report using some interoperable communications in their operations. By providing a clear representation of national capacities, the survey allows the Department to make informed decisions about strategies regarding the implementation of programs, procedures, and capabilities for effective interoperable communications. The Department is currently undertaking a National Communications Baseline Assessment to evaluate interoperable capabilities for all Federal agencies, as well as state and local emergency responders and the emergency response community at large.

Through the ICTAP, DHS has provided assistance in development of Tactical Interoperable Communication Plans for 65 Urban/Metropolitan Areas and participated in the exercise validation of 75 more. In the areas of technical guidance, the Department has developed and provided assistance to jurisdictions in using the Communication and Asset Survey Mapping Tool and otherwise provided ongoing assistance to 65 sites.

Due in large measure to the Department's progress in this area, all states and territories are required to develop and adopt Statewide Communications Interoperability Plans by the end of Fiscal Year 2007. SAFECOM developed the Statewide Interoperability Planning Guidebook, which outlines criteria for the development of the robust interoperability plans. DHS-OEC will be reviewing, providing feedback on, and approving the statewide Plans in consultation with the

Department's National Protection and Programs Directorate and the National Telecommunications and Information Administration.

GAO's criticism regarding the SAFECOM guidance and tools is based largely on limited feedback from just four states and selected localities. Such a small sample size is hardly statistically significant in a population made up of 56 states and territories and over 50,000 emergency response agencies. The Department's experience suggests that numerous other entities have had success using SAFECOM's guidance and tools. By way of just one of such example, SAFECOM recently worked with the Commonwealth of Kentucky in the Regional Communications Interoperability Pilot (RCIP) project; this was a successful collaborative effort. In addition, the SAFECOM Interoperability Continuum is widely used as the model framework by the emergency response community across the nation.

Performance Expectation 17: Increase the development and adoption of interoperability communications standards. The assessment of "Generally Not Achieved" is incorrect because it does not fully recognize the significance of the progress made by the Department and appears to be based on shifting criteria used to evaluate the Department.

Although the GAO Report acknowledges that the Department does not have authority to unilaterally set standards for interoperability communications, DHS has made significant progress in partnering with the Department of Commerce, National Institute of Standards and Technology (NIST), the private sector and the emergency response community to accelerate the "Project 25" (P25) standards. "P25" is an initiative that will develop and generate interoperable and compatible voice communications equipment, irrespective of the manufacturer. DHS-OIC has established a vision and communicated key priorities for these interoperability standards. As a result, the private-sector industry has dramatically accelerated the development of key standards for four of the eight major system interfaces associated with Project 25. These four key interfaces should be completed within the next 18-24 months. OIC is also working with NIST on a Compliance Assessment Program to validate that P25 standardized systems are P25-compliant and that equipment from different manufacturers are compatible.

Recognizing these successes, the GAO Report nevertheless assesses the performance expectation as "Generally Not Achieved" because "the effectiveness of these efforts is unclear." That assessment is not only premature, but also inconsistent with the language of the performance expectation at issue which asks whether the Department has increased the development and adoption of interoperability communication standards. The Department has unquestionably achieved the goals described in the original performance expectation.

Performance Expectation 21: Provide assistance to state and local governments to develop all-hazards plans and capabilities. DHS disagrees with GAO's assessment of "Generally Not Achieved," because it is contrary to strong evidence demonstrating

that DHS has in fact provided meaningful assistance to state and local governments to develop all-hazard plans and capabilities.

For example, the GAO Report largely relies on outdated GAO and OIG reports and does not reflect the Department's recent efforts to include language in grant guidance documents to support state and local government efforts to develop all-hazard plans and capabilities. Notably, the Homeland Security Grant Program (HSGP) guidance documents have changed dramatically since most of those outdated reports were conducted. For the sake of comparison, the Fiscal Year 2005 HSGP Grant Guidance contained 29 percent more references to terror and terrorist tactics than to all-hazard and capabilities planning. In contrast, references to all-hazard and capabilities-based planning in the Fiscal Year 2007 HSGP Grant Guidance exceeded references to terror and terrorist tactics by 29 percent – reflecting a dramatic shifting in priorities over that two-year period. Nor does the GAO Report reflect the moving of the Department's Office of Grants and Training into DHS-FEMA as part of the Post-Katrina Emergency Reform Act of 2006 reorganization. As these changes indicate, recent DHS grant cycles have continued to develop and encourage a deliberative and measured all-hazards approach to preparedness.

The GAO Report also cites an alleged perception that the Department has been focused on funding terrorism preparedness rather than natural or all-hazards funding. This "perception" is again drawn largely from old GAO and OIG reports and is out of date. While the National Planning Scenarios – referred in the GAO Report – focus in large part on terrorist events, the predominance is due to the fact that their unique and exacting capability requirements make them critical planning tools in our national effort to develop a truly all-hazards preparedness model. Moreover, DHS-FEMA has focused in 2007 on multi-hazard planning in conjunction with state and local governments and is engaged in efforts that develop state and local all-hazards capabilities. For example:

- The Hurricane Gap Analysis Program is a joint effort between state emergency management representatives and DHS-FEMA regional representatives in 18 hurricane-prone States (plus Puerto Rico, the Virgin Islands and Washington, D.C.) to better understand vulnerabilities by conducting gap analyses. This program, developed in coordination with the State of New York Emergency Management Office and New York City Office of Emergency Management, will help DHS-FEMA and its partners at the state and local levels to determine the level of Federal support potentially needed during a category 3 hurricane. Through structured discussions with DHS-FEMA and state emergency management representatives, local jurisdictions will be able to better understanding potential disaster response asset gaps in critical areas such as debris removal, evacuation, sheltering, interim housing, healthcare facilities, commodity distribution, communications, and fuel, and to ask specific questions of federal and state officials. Our efforts have seen a steady decrease in the initial shortfalls and vulnerabilities identified in areas such as debris removal contracts,

transportation contracts, identification of potential shelters and evacuation routes, identifying points of distribution, provision of specific commodities such as tarps, generators, cots, and so on. Although the Department's initial use of this program is being applied for the upcoming hurricane season, this process is applicable to all hazards.

- Through the Gulf Coast State Evacuation Plan, DHS-FEMA is helping Louisiana, Mississippi and Alabama develop an evacuation plan that extends to adjacent states who may host Gulf Coast evacuees. In order to synchronize separate state evacuation plans to create a more jointly organized effort, the Department is engaging with each state to first identify requirements and capabilities, and then develop a plan that integrates shelter and transportation planning. The result will be a timelier, better organized and coordinated evacuation by those with their own transportation and those who need assistance to evacuate by bus or air.
- Several Catastrophic Disaster Planning Initiatives are also underway. The Department is working with 13 southeastern Louisiana parishes (including the City of New Orleans) vulnerable to hurricane disasters to plan and prepare for the 2007 hurricane season. DHS is also using two-phased, scenario-driven workshops to enhance the State of Florida's capability to respond to a Category 5 Hurricane making landfall in Southern Florida. Phase 1 focuses on developing regional response and recovery plans, including evacuation planning, for the counties and communities surrounding Lake Okeechobee in the event of failure of the Herbert Hoover Dike. Phase 2 will address the effects of a Category 5 hurricane striking south Florida and result in standardized and comprehensive catastrophic Category 5 hurricane disaster functional response and recovery plans for the State of Florida and responding federal agencies.

These recent efforts by the Department to shift the focus of its grant program and documents and to engage in efforts that assist state and local governments in developing their all-hazard capabilities are not reflected in the GAO Report.

Performance Expectation 24: *Develop a system for collecting and disseminating lessons learned and best practices to emergency responders.* The assessment of "Generally Not Achieved" does not reflect the substantial progress the Department has made in developing the Lessons Learned Information Sharing website (LLIS.gov). The GAO Report does not appear to consider the practical difficulties associated with developing an online system, and unfairly downgrades the Department despite its on-going efforts to constantly improve that system based on user feedback.

LLIS.gov has been available to the first responder community since 2004, and system enhancements have been – and will continue to be – continuously made. LLIS.gov launched significant system upgrades in December 2006 based on user feedback,

which resulted in dramatic improvements in the ability of first responders to access and share valuable information on all aspects of emergency response and homeland security. Upgrades included enhancements to the search engine that combined full-text searching with sorting and filtering tools; redesigning the homepage to deliver more information directly to members in fewer clicks; adding a “Recent Incidents” box highlights the latest homeland security news with links directly to related content; providing an interactive, clickable map enabling users to view both LLIS.gov members and documents by state; and adding topic-specific pages to serve as “one-stop shops” for information on emergency response and homeland security topics including mass evacuation to pandemic influenza, community preparedness, and emergency planning for persons with disabilities and other special needs.

Other recent improvements allow the latest LLIS.gov content to be delivered directly to member inboxes through the LLIS Dispatch feature. Additional improvements are under development and will address most, if not all, of the issues previously raised by GAO. Migration to a new hosting platform will allow the implementation of an improved search engine. The new search engine will include search-term highlighting in the text of both abstracts and documents; weighted relevancy algorithm to ensure key documents appear first in search results; and upgraded indexing to ensure that all published documents are indexed immediately and available to users in their search results. This new search engine is expected to be available within a few months.

Increased usage of LLIS.gov is a testament to the Department’s success in developing a system for collecting and disseminating lessons learned and best practices that is actually useful to emergency responders. April 2007 was the third highest month both in terms of the number of visits and visitors to LLIS.gov. LLIS.gov has also seen a 55 percent increase in visits and a 50 percent increase in visitors for the first four months of 2007, resulting in an average of 27,133 visits and 9,973 visitors per month. These numbers contradict GAO’s assessment that the Department has not achieved this performance expectation.

Critical Infrastructure and Key Assets Protection

The Department has made significant progress in the area of protecting critical infrastructure and key resources (CI/KR), as recognized by GAO’s assessments of “Generally Achieved” in the areas of developing a comprehensive national plan and partnerships for protecting CI/KR and identifying, assessing and supporting efforts to reduce threats and vulnerabilities for critical infrastructure. The Department feels that several other assessments, does not adequately reflect the Department’s progress related to CI/KR.

Performance Expectation 3: Improve and enhance public/private information sharing involving attacks, threats, and vulnerabilities. The Department disagrees with the assessment of “Generally Not Achieved” for this performance expectation, as the assessment does not reflect the progress the Department has made.

The Department has made significant progress in its CI/KR protection capabilities, particularly in the area of information sharing. For example, the Office of Infrastructure Protection (DHS-OIP), within NPPD, completed Sector Specific Plans (SSPs) within the National Infrastructure Protection Plan (NIPP). In completing the SSPs, DHS worked with the private sector to implement tailored protective measures, including site-assistance visits and transforming feedback into educational reports that owners and operators can use to identify vulnerabilities. DHS-OIP also created the Chemical Terrorism Vulnerability Information Sharing Task Force, comprised of state and local officials. The Department also worked with the private sector to develop more than 800 Buffer Zone Protection Plans (BZPP) to enhance security around critical infrastructure sites. To further disseminate information to the private sector, more than 150 training courses on increasing terrorism awareness were provided to private security guards last year and increasing use was made of the Homeland Security Information Network (HSIN). Additionally, the TRIPwire program mentioned in the GAO Report provides situational awareness on improvised explosive devices to a broad swath of security stakeholders, including representatives of 40 Federal departments and agencies; 28 military units; 365 state and local agencies; and 35 private sector companies and organizations. Since its release, TRIPwire has recorded more than 4 million site hits. On June 29, 2007, in response to the bombing events in London, TRIPwire recorded approximately 200 percent more hits than its average for that month. This included 6,219 page views and 40,130 hits.

Other achievements in the area of information-sharing related to CI/KR vulnerabilities include the NIPP Sector Partnership Model, which is currently in full operation. This model has been and will continue to be an essential mechanism for the exchange of strategic information at an unprecedented level between the Government and the owners and operators of CI/KR. The National Infrastructure Coordinating Center (NICC) also routinely shares a wide range of information products containing warning, threat, and CI/KR protection information via the HSIN. During the last year, the NICC has posted more than 900 information products to HSIN for use by CI/KR owners and operators. The Department is also currently deploying professional intelligence and operations officers to state fusion centers and installing the Homeland Security Data Network for communicating classified information.

The National Coordinating Center (NCC) for Telecommunications is another Departmental model for successful information sharing. The NCC provides a forum through which the Federal government and the private sector communications companies can interact on a daily basis. Numerous Federal departments and agencies provide full time detailees to the NCC and several industry members provide cleared personnel who maintain full time offices at the NCC. These cleared personnel have access to classified read binders and can interact with the NCC Watch on a 24-hour basis. Additionally, the NCC conducts weekly conference calls where members

interact with those Federal departments and agencies with the most significant communications responsibilities and requirements.

Moreover, explicitly excluded is an assessment of the private sector utilization of the HSIN. Consequently, the GAO Report does not accurately reflect the current deployment approach for the HSIN in the CI/KR sectors. Nine of the CI/KR sectors or major sub-sectors have signed memoranda of understanding with DHS to deploy Homeland Security Information Network-Critical Sectors (HSIN-CS) to their sectors.

Also, DHS strategic, operational, and policy initiatives have taken into account the critical role the private sector plays in protecting the Homeland. DHS has taken steps to designate a DHS Coordinator for Private Sector Security within DHS, who develops internal cross-cutting processes for synchronizing DHS efforts to support Private Sector security interests, and develop a way forward to expand and sustain the DHS/Private Sector partnership.

It appears the GAO Report largely relies on previous reports that do not account for the achievements discussed above and other recent successes. For example, in making its “Generally Not Achieved” assessment, the GAO Report cites assessments in an OIG report entitled, *Homeland Security Information Network Could Support Information Sharing More Effectively (OIG-06-38)*. However, in a letter dated July 11, 2007 from the OIG regarding the compliance follow-up to OIG-06-38, the Assistant Inspector General, Information Technology stated that five recommendations from the OIG report “are considered resolved.” The OIG has also indicated that it is satisfied with DHS’s efforts to mitigate problems outlined in the OIG-06-38 report.

Performance Expectation 4: Develop and enhance national analysis and warning capabilities for critical infrastructure. The GAO Report – which focuses its assessment primarily on cyber critical infrastructure – does not give the Department credit for the significant advances it has made in achieving this performance expectation. In the area of cyber infrastructure, the GAO Report inaccurately suggests that the Department has provided no evidence of enhanced national warning capabilities. This assessment does not consider the tremendous progress by the Department’s National Cyber Security Division (DHS-NCSD), within the Office of Cyber Security and Communications (DHS-CS&C), to develop and enhance cyber analysis, watch and warning, and collaboration with the private sector.

The U.S. Computer Emergency Readiness Team (US-CERT) within DHS-NCSD provides a 24-hour, 7 day-a-week watch center to conduct daily analysis and situational monitoring in order to provide information on cyber incidents and other events. For example, US-CERT’s Einstein program enables the rapid detection of current and pending cyber attacks affecting agencies and provides federal agencies with early incident detection. The information gathered by the Einstein program is analyzed and then used to provide actionable and timely alerts and reporting regarding current and impending cyber attacks. The program also provides

indications and warnings of actual and potential intrusions to Federal government computer security teams. To date, Einstein has assisted in the identification of more than 300 potential malicious incidents that would have otherwise gone undetected.

US-CERT's near real-time data collection and information sharing increases awareness among public and private sector stakeholders and reduces cyber infrastructure vulnerabilities. US-CERT notifies public and private partners through a variety of products that encompass the National Cyber Alert System (NCAS). US-CERT established a vulnerability remediation process and the NCAS in order to collect, mitigate, and disseminate vulnerability information. NCAS is the first cohesive national cyber security system for identifying, analyzing, and prioritizing emerging vulnerabilities and threats. NCAS delivers targeted, timely, and actionable information for technical and non-technical audiences to enhance security. NCAS reports are made available through the NCAS, Information Sharing and Analysis Centers (ISACs), and on the US-CERT public website. For Fiscal Year 2005, US-CERT issued 338 alerts, bulletins, and vulnerability notes to stakeholders through the public website and for Fiscal Year 2006 US-CERT issued 490 alerts, bulletins, and vulnerability notes. Information from US-CERT is also provided to the National Vulnerability Database (NVD), also sponsored by DHS-NCSD. Approximately 400 vulnerabilities are published to the NVD web site each month based upon newly discovered issues.

US-CERT also produces Critical Infrastructure Information Notices (CIIN) which are intended to provide information about a cyber security incident and make recommendations for avoiding or mitigating risks. The CIIN is specifically written to notify private sector organizations and Federal agencies about efforts to protect critical infrastructure. For Fiscal Year 2006, US-CERT produced 15 CINNs, which are provided to key stakeholders on a secure internet portal.

US-CERT is actively working to formalize processes and procedures for collaboration with the private sector. These processes undercut the concern expressed in the GAO Report that a lack of collaboration challenges the Department's ability to gather and share information. To the contrary, US-CERT has developed a draft concept of operations for Private Industry Cyber Security Incident Handling which addresses information sharing, communication, and coordination with the private sector, including the ISACs.

The National Communications System (NCS) has also been deeply engaged in analysis and warning functions. The NCS has developed multiple programs to ensure that the Federal government can still communicate during times of crisis. Additionally, the NCS also has a significant analytical capability dedicated to conducting analyses and assessments of the public communications network. This capability, only possible through robust and deep information sharing with the private sector, has proven invaluable in initiatives such as the Department's Pandemic Influenza Planning and cross sector dependency analyses.

Furthermore, DHS is conducting outreach to the private sector at the state and Local levels through fusion centers designed to push and pull information that directly relates to threats within a geographic region containing critical infrastructure. The DHS State and Local Fusion Center Program has also provided technical assistance to state and local jurisdictions responsible for critical infrastructure to ensure that partnerships between local authorities and the private sector are in place in every state. Despite the fact that the response to these efforts has been overwhelmingly positive, the GAO Report largely dismisses these achievements.

Science and Technology

The Department strongly disagrees with the assessments in the Science and Technology (S&T) mission area. Many of the concerns with GAO's methodology are particularly applicable here, where the relevant performance expectations are – by their very nature and necessity – continuous processes, rather than programs with specific endpoints or deadlines. Further, we were disappointed when our performance was downgraded in four areas from “No Assessment Made” to “Generally Not Achieved” – even after the Department provided extensive documentation demonstrating DHS-S&T's significant progress.

DHS-S&T projects are executed in support of the Department, its operational components, and the Nation's first responders. The four-year lifetime of the Department is a relatively short period of time in terms of the maturation process for science and technology programs. The Department believes that many of the assessments in this mission area are, at a minimum, premature.

Performance Expectation 1: Develop a plan for departmental research, development, testing, and evaluation activities. The assessment of “Generally Not Achieved” understates the significance of the Department's Science and Technology Strategic Plan delivered to Congress on June 26, 2007. As the GAO Report recognizes, this Strategic Plan incorporates a five-year Research and Development Plan that includes information on milestones for fiscal years 2007 through 2011.

The GAO Report asserts that the Strategic Plan does not contain sufficient goals and measures. However, the Strategic Plan describes yearly milestones and deliverables/goals for every project within S&T, including Test and Evaluation. The Strategic Plan reflects the highest level objectives for internal departmental activities, and provides overarching guidance for addressing the science and technology needs within each homeland security mission area. Detailed performance goals for all programs are included in the five year Research and Development Plan, progress is reviewed annually in developing the annual budget request. GAO's suggestion that each individual project sponsored by DHS-S&T does not include specific goals, measures and milestones is incorrect. These metrics are extremely important to DHS-S&T in its evaluations of these projects.

Furthermore, the GAO Report does not give the Department credit for the Strategic Plan's description of the S&T Directorate's organizational framework and risk-based research portfolio management strategy. Nor does GAO acknowledge that the Strategic Plan also addresses the importance of developing a strong homeland security science and technology national workforce by developing professional S&T employees. The Plan also maintains research and educational opportunities that will foster the long-term homeland security intellectual base. By not placing proper emphasis on the significance of the Strategic Plan, GAO understates the Department's progress in this area.

Performance Expectations 2 and 3: *Assess emerging chemical, biological, radiological, and nuclear threats and homeland security vulnerabilities; and Coordinate research, development, and testing efforts to identify and develop countermeasures to address chemical, biological, radiological, nuclear, and other emerging terrorist threats.* The Department disagrees with the assessments of "Generally Not Achieved." These assessments again highlight the flaws in the Report's methodology, as the Department's efforts to assess emerging vulnerabilities and develop countermeasures will always be ongoing and are not designed to reach a final end-goal completion.

The GAO Report does not adequately recognize and assign credit for the tremendous strides that DHS-S&T has made in assessing threats and vulnerabilities, as well as identifying and developing countermeasures. In 2006, the Department conducted the Bio-Terrorism Risk Assessment (BTRA). This risk assessment evaluated hundreds of thousands of scenarios relating to 28 high-priority agents, eight classes of release (e.g., indoor, outdoor, food, water, and human vector), and varying terrorist capabilities. The BTRA has been very useful in prioritizing research and developing countermeasures against these agents. In addition, the BTRA helps DHS-S&T to understand and resolve associated uncertainties, and to prioritize emerging biological threats and homeland security vulnerabilities.

Based on the results of the BTRA, DHS has issued nine Material Threat Determinations (MTDs). For each material threat, DHS has conducted a Material Threat Assessment (now referred to as Population Threat Assessments) that provides an in-depth look at the exposed populations and related impacts from plausible biological terrorism scenarios. These MTDs and their associated assessments have been used by the Department of Health and Human Services (HHS) in formulating the Public Health Emergency Medical Countermeasure Enterprise strategy, and to ensure that there are adequate supplies of medical countermeasures in the national stockpile.

Based on the success and impact of the BTRA, DHS-S&T is developing an integrated Chemical, Biological, Radiological and Nuclear (CBRN) Risk Assessment. This risk assessment will analyze and evaluate vulnerabilities and the impacts of CBRN threats, and can be used to determine priorities and resource allocations regarding the development of countermeasures.

For the GAO Report to assign a low rating to the Department's progress in assessing emerging vulnerabilities to chemical, biological, radiological, and nuclear threats because "substantial more work remains for DHS" does not take into account the practical reality that the Department will never be done assessing such vulnerabilities. The Department must continually work to identify and assess new and emerging vulnerabilities to constantly evolving threats. These completed and ongoing efforts discussed above, and acknowledged by GAO, reflect real and meaningful progress by the Department that is not reflected in GAO's assessment.

The Department has also undertaken to coordinate and develop countermeasures with other Government agencies and stakeholders. For example, DHS-S&T's Biological Surveillance and Detection Research and Development Program works to develop next-generation detectors for biological threat agents. The program also develops the assays (signatures or fingerprints of biological agents) that detectors need to recognize a biological agent, and as well as detection systems to protect agriculture and food products and industries. The Chemical Detection Program develops technology for warning and notification of a chemical threat release, including technologies responders need to survey potentially contaminated scenes, while limiting their exposure to chemical agents. In response to the recent liquid explosives plot discovered in the United Kingdom, DHS-S&T established a Rapid Response Team composed of Department of Energy laboratories, the DHS Centers of Excellence, and the Transportation Security Laboratory. Based on this work, DHS-TSA was able to issue a rule allowing approximately three ounces of liquids in carry-on luggage within two months. DHS-S&T and TSA continue to work toward the ability to detect home-made explosives, including liquids, gels, pastes, and other explosive compounds derived from commonly available materials.

In addition, DHS is an *ex officio* member of the HHS Executive Governance Board for the development of medical countermeasures. The DHS-S&T risk assessments referenced above play a major role in defining national strategies and implementation plans and in prioritizing countermeasures. Further, DHS is a co-chair of the National Science and Technology Council's (NSTC) Subcommittee on Decontamination Standards and Technologies, which has developed draft guidelines for restoration following a biological and chemical attack and a supporting five-year R&D plan. Moreover, DHS is a co-chair of the Foreign Animal Disease Threat subcommittee of the NSTC, which also published a five-year integrated R&D strategy. Through these inter-agency committees, DHS-S&T has made real progress in coordinating the identification and development of meaningful countermeasures to address emerging homeland security vulnerabilities.

Human Capital Management

The GAO Report does not present a full picture of the significant progress the Department has made in the area of Human Capital Management. Indeed, the GAO Report consistently acknowledges that DHS “is on track,” “is in the process of,” and “has made progress in” achieving the performance expectations – many of which involve multi-year efforts. Yet, the assessments do not reflect this progress.

Performance Expectation 8: Implement training and development programs in support of DHS’s mission and goals. The Department strongly disagrees with the assessment of “Generally Not Achieved.” The GAO Report does not accurately reflect the information previously provided to GAO officials.

The GAO Report suggests that most of the DHS training programs referenced within the Human Capital Operational Plan has not been achieved. These assertions are not accurate. The Human Capital Operational Plan is a two year endeavor, and DHS has been meeting its targets within the plan. The assessment of “Generally Not Achieved” highlights the problems in using a binary standard to assess what the GAO Report acknowledges is “a multi-year program.”

Indeed, the Department has successfully launched an information system for the training programs. DHScovery, a learning management system, is an initiative offering a comprehensive catalog of 2,000 online courses and electronic books, in areas such as leadership and information technology. DHScovery serves multiple purposes. For instance, it is a means to consolidate training systems across the Department. Therefore, DHScovery eliminates redundancies, achieves economies of scale, and establishes a common delivery environment. DHScovery also aligns the DHS Learning and Development Strategy, the Human Capital Operations Plan, and the President’s Management Agenda.

With regard to the development of terminology, the DHS Training Leaders Council – a group of training representatives from DHS components – created a Training Glossary that is used throughout the Department. This Training Glossary provides a common language and terminology for all human capital offices throughout the entire Department, and enhances the clarity and precision of communications among such components. The Training Glossary was previously provided to GAO officials, but apparently was not considered in the GAO Report.

In addition, the Department previously provided information to GAO officials regarding other significant DHS training and development programs. For example, the Department’s Chief Human Capital Office (DHS-CHCO) submitted information about the Department’s establishment of the National Capital Region Homeland Security Academy. This new Academy offers a fully accredited graduate degree in Homeland Security Studies. When combined with the existing Master’s Degree program currently offered by the Center for Homeland Defense and Security at the

Naval Post Graduate School, the two programs will matriculate 200 students annually.

In order to provide additional development programs which support the Department's mission and goals, DHS is also conducting academic and outreach partnerships with the National Defense University, institutions, colleges and universities that serve historically underrepresented groups, and educational consortiums, such as the National Security Education Consortium and the Homeland Security and Defense Education Consortium. These programs provide additional training to DHS employees as well as state and local officials.

Information Technology Management

Performance Expectation 5: Develop a comprehensive enterprise architecture. The assessment of "Generally Not Achieved" is not supported by the facts. In particular, the GAO Report appears to have wrongly based its assessment on a belief that DHS had not fully implemented elements of the GAO Enterprise Architecture Management Maturity Framework (EAMMF).

The Department has made great strides in developing an Enterprise Architecture (EA) that substantially meets each of the EAMMF elements. Indeed, an August 2006 GAO report (GAO-06-831) found that DHS fully satisfied 24 out of 31 applicable EAMMF elements, and partially satisfied four additional elements. Since that time, DHS has taken additional steps to identify and/or address the final three elements. Products related to the EA are now required to undergo independent verification and validation (IV&V) which will ensure interoperability, compatibility, and efficiency within the larger structure. DHS has also worked to centralize information technology (IT) processes and avoid unnecessary duplication, by requiring adherence to the EA for all IT investments over \$2.5 million.

In developing its EA, the Department sought significant input from and consulted with, key stakeholders. In fact, stakeholders provided more than 400 comments on the EA, and DHS considered each one. GAO appears to have disregarded this extensive consultation in preparing this GAO Report, as well as the GAO report from last May (07-564), entitled *DHS Enterprise Architecture Continues to Evolve*. In 07-564, GAO inaccurately stated that the Department failed to consult with stakeholders. This is not the case.

In evaluating the comprehensiveness of the EA developed by the Department, it should be noted that the Office of Management and Budget (OMB) has rated the Homeland Security Enterprise Architecture (HLS EA) 2007 as a 4.3 on a 5.0 scale for completeness. This score does not support the GAO Report's assessment.

Performance Expectation 6: Implement a comprehensive enterprise architecture. The assessment of "Generally Not Achieved" is not supported by the facts, because the Department has already implemented a comprehensive EA. OMB has rated the

HLS EA 2007 4.5 on a 5.0 scale for use of its enterprise architecture which includes the elements of governance, change management, deployment, collaboration, and Capital Planning and Investment Control (CPIC) integration.

In support of its assessment to the contrary, the GAO Report relies most heavily on the allegation that the Department's IT investments have not been fully aligned with the EA. To the contrary, the DHS Office of the Chief Information Officer (DHS-CIO) is currently aligning all new investments to the EA. In particular, all IT investments in Fiscal Year 2008 have already been aligned with the Department's strategic plans, and this alignment process will continue in future fiscal years.

The GAO Report also states that DHS does not have a repeatable methodology for assessing potential IT investments relative to the EA. To the contrary, DHS has developed a methodology for such assessments based upon detailed compliance criteria, and indeed, it has assessed all major IT investments in relation to its EA. During May 2006 and again in February 2007, DHS supplied GAO officials with written documentation of its methods to assess IT investments and the review criteria. It does not appear, however, that the GAO Report considered these documents.

Performance Expectations 7 and 8: *Develop a process to effectively manage information technology investments; and Implement a process to effectively manage information technology investments.* The assessment of "Generally Not Achieved" does not accurately reflect the Department's progress with respect to these performance expectations.

The Department has developed and implemented processes to effectively management IT investments. For example, the Department issued a Management Directive earlier this year which provided the DHS Chief Information Officer with the authority to review and approve the Department's entire information technology budget.

The Department also requires programs to submit Periodic Reporting (PR) information for all major investments on a quarterly basis. In addition, the Department published and distributed PR Guidance in the first quarter of Fiscal Year 2006 and provided associated training courses to personnel within the DHS Program Management Office (PMO). The Department also distributed Earned Value Management (EVM) and Operational Analysis (OA) guidance documents throughout the Department. These processes have led to more effective management of IT investments by significantly improving tracking and reporting of investment costs, schedules, and performance variances. The analysis from these processes has been provided to GAO.

The Department is also currently deploying a business tool that will enable DHS management to view trends of quarterly PR information. In this way, senior DHS officials will be able to assess the performance of the systems and enhance supervisory oversight of IT investments.

In addition, the Department has already implemented an IT acquisition review (ITAR) process to improve the alignment of IT purchases to the homeland security mission and Department architecture. The ITAR process requires that the DHS-CIO review and approve IT acquisitions of \$2.5 million and greater, while component CIOs are only authorized to approve IT acquisitions of less than this value. The ITAR process has thus improved IT management by providing the DHS-OCIO with supervisory control over IT investments and identifying duplicative investments. Over the first six months of its implementation, the ITAR process has been successful in reviewing approximately \$1.8 billion in IT investments.

These management processes have also been extended into the IT Portfolio Management process, whereby the Department has developed and applied tools, methodologies, and techniques to assist in IT investment decisions based upon quantifiable measurements. The Portfolio Management program incorporates specific management processes to establish performance goals, transition plans, architectural targets, and performance measures. In this way, the Department can continue to improve the balance of investments to more effectively meet Departmental goals and objectives. The IT Portfolio Management Process has already been used to assist the DHS-CIO in selecting and prioritizing IT investments in relation to the Enterprise Architecture.
